

MEETING #10 - February 23

At a regular meeting (#2) of the Madison County Board of Supervisors on February 23, 2021 at 6:00 p.m. in the Madison County Administrative Center Auditorium located at 414 N. Main Street:

PRESENT R. Clay Jackson, Chair
 Charlotte Hoffman, Vice-Chair
 Kevin McGhee, Member
 Amber Foster, Member
 Carty Yowell, Member
 Jack Hobbs, County Administrator
 Sean Gregg, County Attorney
 Jacqueline Frye, Deputy Clerk

Call to Order, Determine Quorum, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum/Adopt Agenda

Chairman Jackson advised that a quorum was present

Chairman Jackson called for additions, and/or adoption of today's Agenda.

Supervisor Hoffman moved to adopt the Agenda as presented, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Yowell.*

Closed Session

1. Personnel (Committee Appointments) [Applicant arrived late - moved to the end of the meeting]

Public Comment

Chairman Jackson opened the floor for public comment.

- Charles Michael Fisher: Reported that the historical market at Shelby Road will be replaced (based on communication with Max Lacy, Jr. of the Madison County Historical Society); also reported that he received a COVID-19 vaccination; process was well-organized; accolades to all that were involved in the process.

With no further comment(s) being brought forth, the public comment opportunity was closed.

Special Appearances

2. Status Report: Criglersville Swinging Bridges: James Howe (Criglersville) came forward to provide highlights from his productive Zoom meeting with Renee Balfour (wife), Dana Elzy, Scott Eliff (Ducard Vineyard), Jack Hobbs (County Administrator), and VDOT representatives Carrie Shephard and John Lynch. The group discussed the need to obtain right-of-way from adjacent landowners for the swinging bridges VDOT has maintained for over sixty (60) years. The question of whether VDOT desires to continue providing maintenance or eliminate the swinging bridges from its inventory was discussed.

It was noted that alternative paths toward improving/restoring the bridges include:

- A. Pursuing a traditional VDOT project
- B. A community group rehabbing the bridge(s) under a VDOT permit
- C. VDOT abandonment of the bridges with ownership, rehab and maintenance by community group

Mr. Howe indicated that he anticipates that his citizen group could attain the necessary rights of way and funds to establish repairs and maintenance of the bridge(s).

Comments from the Board:

- *Chairman Jackson: Questioned if VDOT advised of whether any facilitation of funds would be provided; also noted that if the County elected to abandon the bridge(s) from VDOT, would the County be able to 'gift' the maintenance to the landowners.*

The County Attorney noted that the County 'can't give what it doesn't own', but advised that:

- The landowners could be granted licensure (from the County)
 - The County could execute a deed with the existing landowners
 - The issue of attaining right-of-way should be in order before the aforementioned suggestions are assessed
- *Supervisor Yowell: Questioned if it would be incumbent upon VDOT to destroy the bridge(s) in the event the County elected to move forward with abandonment, and what the County would request that abandonment not involve destruction; verbalized accolades pertaining to today's proposal by Mr. Howe.*

The County Administrator noted that it's anticipated that the aforementioned concern would be addressed before a final decision is sought.

In closing, Mr. Howe noted that the citizen's group is willing to do what it takes to accomplish the mission to save both swinging bridges in place.

After discussion, it was the consensus of the Board to request that the citizens committee continue to:

- Work on establishing a 501C3 organization in order to raise funds,
- Pursue to secure the right-of-way from all property owners involved, and
- report back to the Board of Supervisors.

Consent Agenda:

3. A. Minutes from the February 4, 2021 Meeting

Supervisor Yowell moved that the Consent Agenda be approved, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell.*

The Board of Supervisors asked when to expect supplemental appropriations, to which the Finance Director advised that supplementals will be presented at the next meeting session.

Constitutional Officers, County Departments, Committees & Organizations

4. Committee Appointments (Frye):

Building Code Appeals Board Vacancies: Chairman Jackson advised that Chris Artale has submitted an application to be considered to fill one (1) of the vacancies on the Building Code Board of Appeals.

Supervisor Yowell moved that Chris Artale be appointed to the Building Code Board of Appeals to fill a four-year term effective February 23, 2021 through March 10, 2025, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

It was further reported that Jamie Wilks, Building Official has advised of another individual that has expressed an interest in serving on the Building Code Board of Appeals.

RRCSB (Appointment for Valerie Ward): The Deputy Clerk noted that Valerie Ward was appointed to fill an unexpired term that actually expired on December 31, 2020; Ms. Ward was appointed to fill an unexpired term on December 31, 2021, and is eligible for reappointment; she wishes to continue serving if the Board so desires.

Supervisor Foster moved that Valerie Ward be reappointed to continue serving on the Rappahannock Rapidan Community Services Board from January 1, 2021 through December 31, 2024, seconded by Supervisor McGhee.

Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

i. Jamie Wilks: Update to the Uniform Statewide Building Code Effective July 1'2021: Jamie Wilks, Building Official, was present to provide highlights on changes to the statewide building code that will be effective on July 1, 2021, and will be required for all types of building (i.e. residential, commercial, fire code, electrical, etc.). Proposed changes will call for the following:

1. A new definition for emergency supplemental hardware (i.e. school barricade devices)
2. Energy efficiency certification will be required for all buildings
3. Mandate lower door testing (to limit air exchange) to promote emergency efficiency
4. Mandates for tiny houses (400 sq. ft. or less)
5. Tall wood structures (moving away from concrete and steel)
6. Carbon monoxide alarms (all alarms within the dwelling must be in sync with one another)
7. Ceiling insulation must be at least eighteen inches (18") in thickness
8. Arc fault circuit interrupters (AFCI) to be installed (to detect a fault in the electrical circuit and tripping either a breaker or receptacle) in order to prevent fires

9. Due to safety concerns, changes being made for modular buildings (modular building are being used to make a dwelling)

In closing, he noted that once the updates are adopted, training will be advertised (via newspaper and posted to the County's website) for builders, developers, architects, engineers, and other individuals that wish to attend in person, possibly virtually. All additional costs will either be relayed onto the builder(s) or homebuyer.

II. Noah Hillstrom: Ambulance M-20 Upfit (\$5,996.89): Noah Hillstrom, Director of Emergency Medical Services, was present and advised that ambulance Unit M-20 hasn't been 'COVID-proof' and the unit has developed a significant amount of rusting that as occurred from cleaning; staff have now changed the cleaning technique system and will need funding to remedy the rusting of the hardware at a cost of \$5,996.89. In closing, he noted that the majority of vehicle maintenance funds has been utilized for the volunteers' rescue squad units.

Supervisor McGhee moved that the Board approve the funding request submitted by EMS for an additional \$5,996.89, seconded by Supervisor Hoffman. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Mr. Hillstrom also requested funding to purchase a second shelter for the ambulance unit at a cost of \$8, 877.75, and maybe an additional \$200.00 to purchase gravel (if needed), which is also a part of his FY22 capital funding request.

The Finance Director was present and advised that there is additional funding in the County's CIP budget which can be utilized by way of a resolution; recommended that the requested funds be taken from the aforementioned fund.

Supervisor Yowell moved that the Board approve the funding request for \$8,877.75 for the purchase of a shelter for EMS ambulances and that funding be taken from the County's CIP fund, seconded by Supervisor Foster. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Mr. Hillstrom then advised that the building next to the EMS station (occupied by Poised & Polished) will soon become vacant. David James, building owner has advised that he will allow the EMS department to rent the space (1,100 sq. ft.) for a fee of about \$900.00 per month; noted that he will work up a detailed diagram and proposal to show that the additional space will allow the entire EMS crew to be together.

After discussion, it was the consensus of the Board for Mr. Hillstrom to return with a detailed proposal for review and consideration.

In closing, Mr. Hillstrom advised that Mr. James plans to replace the roof and will also provide feedback on detailed leasing terms.

Medical Billing: Mr. Hillstrom advised that several calls have been received from the citizens regarding letters sent from the ambulance billing contractor that show "*Madison County Board of Supervisors, Paducah, KY*" as the sender, which is thought (by many) to be a scam. Contact has been made with the billing agency to provide more accurate details, and information has also been posted to the EMS website to inform the citizens of Madison County that the letter is legitimate.

Emergency Management Services: John Sherer, Emergency Management Services Coordinator, was present and provided the following stats:

- 528 cases in the locality
- 21 hospitalizations
- 8 fatalities
- 2,470 citizens have received their first round of the vaccination
- 521 citizens have received both rounds of the vaccination
- 400 doses of the vaccine should be on hand for tomorrow's vaccination clinic
- Vaccination clinics being scheduled in Madison for each Wednesday until March 24th
- Aging Together will now plan to start registering seniors in all five (5) participating localities
- Accolades given to all that have helped to man the clinics each week
- Information is being distributed to those who don't have internet access within the locality
- To date, phone lines are steady but have slowed slightly
- Supply is always an issue; the locality isn't advised as to what will be delivered until the Friday before the events are scheduled

Highway safety: Mr. Sherer noted safety concerns at the intersection of Oak Park and Oneals Road; there was an ejection at the location this morning; suggested that VDOT be asked to assess the intersection to see what can be done to improve the level of safety. In speaking with Erik Weaver, Sheriff, it was noted that four-way stop signs were in place at one point, but were removed, and suggested that the County ask VDOT to consider installing rumble strips at the entire intersection.

After discussion, it was the consensus of the Board of Supervisors to request that the County Administrator relay today's concerns onto Carrie Shephard, VDOT representative to assess whether rumble strips can be put into place.

Madison County Planning Commission: Stephen Carpenter, Commission member, was present and reported that:

- Work is still being done with the Broadband taskforce
- Sub-committee is working on developing a potential fee schedule for commercial solar power for special use permit applications

- Sub-committee is working on developing language to deal with political signage
- Commission is working to assess when and/or if complete approval from VDOT and the health department is needed before applications are brought before the Commission

IT: Bruce Livingston, IT Director, was present and advised that the EMS Department may need additional funds to cover costs associated with installing comcast service at their building (recent loss of network communications from the squad building to the EMS building across the street); working on data jacks for 410 N. Main; audio visual to be installed soon; bids for CCTV set-up being assessed; possible fiber to be utilized between here and the E91 Center.

Finance: Mary Jane Costello, Finance Director, was present and advised that the goal is to have fiber connection between the two (2) aforementioned buildings, by way of a separate connection at a cost of \$6,800 per month; ANS has presented a proposal to run fiber on power poles down the Main Street to connect 410N Main, 414 N. Main, and the EOC for a 'one-time' cost of \$33,613. Due to the time-sensitive nature of the aforementioned issue, and the fact that they have other large commitments, ANS representatives have asked for a definitive answer on the part of the County as soon as possible. In closing, she recommended that the County utilize capital reserve funding as opposed to creating and additional operating expense.

After discussion, it was the consensus of the Board of Supervisors to request that the Finance Director work of numbers and present a supplemental appropriation for review and consider.

The Finance Director advised that a kick-off meeting was held for the Tyler Technologies software last week; the current plan is calling for Tyler to work on overall planning and to develop a presentation to whomever is in charge of IT governance. Additionally, the County has been asked to provide some overall structure of decision-making and oversight related to IT decisions; noted that the Board of Supervisors has previously suggested that all issues related to the proposed software be directed to the IT Committee and then onto the Board for further review. Plans will call for:

- A meeting to be scheduled shortly with the IT Committee
- Findings will be provided to the Board for review at the next meeting session

The Finance Director advised that Laserfiche representatives have advised that the meeting will need to be rescheduled as a result of the inclement weather; representatives have requested to provide a presentation to the stakeholders which will need to be processed.

The Finance Director advised that Interviews have been scheduled for Friday, February 26th.

- *Chairman Jackson: Suggested that the County create a name for the building known as 410 N. Main Street moving forward.*

Commonwealth Attorney: Clarissa Berry, Commonwealth Attorney (via online platform) advised that all is going well within her department; body cam equipment is working well; working on drug court; advised that Jim LaGrafte has advised that the County has been approved for the pilot Marcus Alert Program - she and the Sheriff will serve on the steering committee to get the program underway (initial meeting will be scheduled during the first week of March 2021).

Old Business

New Business

5. Consideration: Projects Funded via Topping Fund Monies (Hobbs): The County Administrator advised that the Topping Committee met earlier today to discuss the following requests for the use of monies from the Topping Fund:

- a. Offer a spay/neuter program for cats
- b. Proposal to paint the animal shelter building
- c. Utilize funds to build a dog park at Hoover Ridge

It was further noted that there isn't sufficient funding remaining in the Topping Fund to cover all of the proposed requests; therefore, it was anticipated that the PRA could apply for any potential grant funding to defray some of the associated costs to build a dog park; a future update will be provided at a later time.

In closing, it was noted that the Topping Committee recommends that the Board fund the proposed spay/neuter program that would cover approximately 40 cats.

- *Chairman Jackson: Referred to the potential to leverage the remaining Topping funds as matching grants*

The County Administrator also advised that Gary Misch (MAD Cats, Inc.) submitted an email to advised that his organization can offer the spay/neuter of local cats at a reduced cost.

Comments from the Board:

- *Supervisor Hoffman: Verbalized disfavor of the County spending \$6,500 to cover the cost of a spay/neuter program and feels that these funds can be utilized for something else for the animals.*
- *Supervisor Yowell: Questioned if these funds were used for this type of program in the past*

To which Chairman Jackson advised was done a few years ago (for twenty [20] dogs and thirty [30] cats); the program being sought today will only be for cats; the current balance in the Topping Fund is \$41,558.02.

Discussions focused on:

- The overall cost per animal (dogs are more expensive than cats)
- Program will allow vouchers to be given to pet owners
- Animal(s) will need to be taken to the Madison Companion Animal Hospital

Clarification was made that the program is generally being provided to County residents who cannot afford to have their domesticated household cat spayed/neutered.

Supervisor Yowell moved that the Board accept the recommendation by the Topping Committee to approve the spay/neuter program at a cost of \$6,500.00 from the Topping Fund, seconded by Supervisor Foster. *Aye: Jackson, McGhee, Foster, Yowell. Nay: Hoffman.*

6. Discussion: Sheriff's Proposed Signage and Towing Ordinance in the Town of Madison (Weaver):

Erik Weaver, Sheriff, joined via the online platform and referred to an ongoing issue regarding an ongoing parking concern on Main Street; clarity is being sought to ensure that parking rights on Main Street are made fair to everyone.

The County Attorney advised that the issue in question involves a situation that is located entirely within the limits of the Town of Madison; Virginia Code Section 15.82-12-01 governs this issue and states that "the authority of the

Board of Supervisors of counties can only initiate exercise within the corporate limits within an incorporated town by agreement with the Town Council. In closing, he noted that the statute isn't clear as to what form the said agreement takes, which he feels would need to be by way of a resolution by the Town Council. It was further suggested that more clarity be provided by the Town of Madison regarding the need to pass its own ordinance. Additionally, he noted that the Sheriff's Office is the only law enforcement agency operating within Madison County, excluding the State Police. In closing, he advised that in the event the Town of Madison elects not to pass any ordinance, they can elect to pass a resolution to authorize the County to enforce guidelines on behalf of the Town.

Comments from the Board:

- *Supervisor Yowell: Questioned if the Town passes a parking ordinance, would the County need to authorize the Sheriff's department to enforce;*

To which the County Attorney noted that the Sheriff's Office is the local law enforcement authority for the Town of Madison and the County.

The Sheriff indicated that some guidance is needed from the Town of Madison regarding the ongoing parking issue; he also stated that no further communication has been received from the Town to date.

The County Attorney advised that he contacted Maynard Sipe, Town Attorney, to assess what course of action the Town of Madison plans to pursue.

- *Supervisor Yowell: Advised that (in his opinion) the ongoing concern appears to be a safety issue (and not a parking issue) along Main Street; feels there is plenty of parking off the Main Street; feels that the Town of Madison should take the lead on the issue first.*
- *Chairman Jackson: Suggested that he and Supervisor Yowell communicate with the Town of Madison to see if a resolution can be attained; feels that Mr. Sipes should be able to provide some input to help attain a resolution.*
- *Supervisor Hoffman: Advised that the Town of Madison is a governmental agency (just like the County) and feels that the Town needs to take care of their business instead of involving the County in this matter.*

Information/Correspondence

7. Report: Status of FY22 Budget Development (Hobbs): The County Administrator provided highlights of the FY22 budget developmental process on:

- Current effort
- Items for status report to the Board on February 23
 - FY21 financial performance review
 - Board priorities (establishment of deadlines. Consider addition of RSA item)
 - School board (preliminary) and health department requests are available
 - Compiled personnel requests (estimates need to be confirmed)
 - Budget issues round up
 - Projected remaining budget development schedule
 - Anticipates that revenue estimates will be provided (by the Treasurer & Commissioner) on March 9'2021

Additional highlights focused on:

- FY21 Review Budget v. Actual
- Potential CY21 Madison County Goals & Priorities
- *Chairman Jackson: Accolades to the school system for providing a reduction for budget funding*

Economic Development & Tourism: Tracey Gardner, Director of Tourism & Economic Development, joined via the online platform and advised of potential funding mechanisms that may be available to assist with the costs to rehabilitate the swinging bridges.

The County Administrator gave a report on the County Administration Center Renovation Project that focused on known and projected total project costs and the status of the construction. The timing of movement of staff into the renovated building at 410 N. Main Street, an effort to procure furniture and furnishings, and improvements to the Board Auditorium were discussed.

Director of Planning, Zoning and Permitting Ligon Webb's report on the status of various zoning lawsuits was presented.

Public Comment

- Jana Jackson (Madison Free Clinic) was present to thank the Board of Supervisors for offering assistance with the parking issue along Main Street.

8. Closed Session [Personnel/Committee Appointments; Legal & Negotiations]

On motion of Supervisor Hoffman, seconded by Supervisor McGhee, the Board convened in a closed session pursuant to Virginia Code Sections:

- A. 2.2-3711(A)(1) [Personnel] Discussion, consideration, or interviews of prospective candidates for appointment to the Rappahannock Rapidan Community Services Board and other committees;
- B. 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body, and;
- C. 2.2-3711(A)(29) for discussion of the award of a public contract involving the expenditure of public funds and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body;

Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).

Supervisor Hoffman moved that the Board reconvene in open session, seconded by Supervisor Yowell. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Supervisor Hoffman moved to certify that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1), 2.2-3711(A)(7) and 2.2-3711(A)(29) and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

As a result of closed session, on motion of Supervisor Foster, seconded by Supervisor McGhee, the Board appointed Mesha Jones to serve on the Rappahannock Rapidan Community Services Board for a three- year term beginning January 1, 2021 and ending December 31, 2024. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

Adjourn:

With no further action being required, at about 8:00 p.m. on motion of Supervisor Hoffman, seconded by Supervisor Foster, the meeting was adjourned until 2:00 p.m. on Thursday, January 26, 2021 in the Board Auditorium for a FY22 budget work session. *Aye: Jackson, Hoffman, McGhee, Foster, Yowell. Nay: (0).*

R. Clay Jackson, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors
Copies: Board of Supervisors, County Attorney & Constitutional Officers
Adopted on: March 9, 2021



Agenda
Board of Supervisors Meeting
Tuesday, February 23, 2021 at 6:00 PM
County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727

Call to Order, Pledge of Allegiance & Moment of Silence

Determine Presence of a Quorum / Adopt Agenda

Public Comment

Special Appearances

1. Personnel (Committee Appointments) - Closed Session

Consent Agenda

2. A. Minutes from the February 9, 2021 Meeting)

Constitutional Officers, County Departments, Committees & Organizations

4. Committee Appointments (Frye)

i. Jamie Wilks: Updates to the Uniform Statewide Building Code eff. July 1, 2021

II. Noah Hillstrom: Ambulance M-20 uplift (\$5,995.89)

Old Business

New Business

5. Consideration: Projects Funded via Topping Fund Monies (Hobbs)
6. Discussion: Sheriff's Proposed Signage & Towing Ordinance in the Town of Madison (Weaver)

Information/Correspondence

7. Report: Status of FY22 Budget Development (Hobbs)

i. Status/costs for County Administrator Center Renovation Project

ii. Status of Zoning Lawsuits

Public Comment

8. Closed Session (Personnel, Legal & Negotiations)

Adjourn